

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 747 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAHOMAD HUSAIN CHOTTAMIYA SHAIKH

Versus

MANILAL VADILAL SHAH

Appearance:

None present for Petitioner

MR AJ SHASTRI for Respondent No.1/1 to 1/5

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/11/98

ORAL JUDGEMENT

#. This civil revision application by the plaintiff-petitioner under section 115 of the Civil Procedure Code, 1908, is filed before this Court against the order of the Assistant Judge, Narol, Ahmedabad, in Civil Misc. Appeal No.91 of 1985 decided on 12th May 1986, under which the order of the 3rd Joint Civil Judge (J.D.), Narol, Ahmedabad, dated 4th May 1985, in Regular

Civil Suit No.263 of 1985 was quashed and set aside and it is further ordered that the defendant-respondent having been in possession of the suit premises by virtue of execution of Darkhast, be put in possession if he is so ousted by the order of the Court . Further injunction has been granted that pending the decision of the suit, the defendant-respondent shall not dispose of the property in any manner either by sale, transfer or lease to anyone until the suit is decided. This civil revision application has been admitted by this Court on 17.6.86 and interim relief in terms of para-5(b) has also been granted. Para-5(b) of the civil revision application reads as under:

That the Hon'ble Court pending the hearing and final disposal of this petition, be pleased to restrain the respondents no.1 and 2 by an interim injunction of this Hon'ble Court from disturbing in any manner, the petitioner's possession of the premises wherein he is carrying on his business of running Ganesh Flour Factory situated opposite Anand Talkies, Narol Village, Narol, Ahmedabad.

#. This interim relief which has been granted by this Court continues for all these years and in case at this stage the existing position of disputed property is disturbed it may instead of serving any useful purpose, result in manifold disputes as well as litigations. So interest of justice will be met in case this civil revision application is disposed of in terms that the interim relief which has been granted by this Court on 17.6.86 shall continue till Regular Civil Suit No.263 of 1985 is decided by the trial Court , now at Mirzapur, Ahmedabad. The learned trial Court is directed to decide the Regular Civil Suit No.263 of 1985 within a period of four months from the date of receipt of writ of this order.

#. The civil revision application stands disposed of accordingly with no order as to costs.

(S.K.Keshote, J.)

[sunil]